

Remarks

Claims 1-12 are currently pending in the present application. Claims 6 and 10 have been amended. Support for these claim amendments may be found, for example, at paragraph [0021] of the specification. The Applicant submits that no new subject matter has been added as a result of these claim amendments. Indeed, the features added to Claims 6 and 10, namely a tortuous path formed by a convergence of first and second openings and leading to at least one inlet, were discussed in a prior Response (see arguments on pg. 6 of the August 24, 2006 Response). Accordingly, entry of the claims, as amended, into the Official Record is respectfully requested.

Claim Rejections under 35 U.S.C. §103

The Applicant acknowledges the rejection of Claims 1-12 under 35 U.S.C. §103(a) as being unpatentable over the applicant's admitted prior art (AAPA) in view of U.S. Patent No. 4,434,507 to Thomas, hereinafter "Thomas". Nonetheless, the Applicant respectfully submits that the claims are fully patentable over the theoretical combination of AAPA and Thomas.

As amended, independent Claims 1, 6, and 10 explicitly recite a microphone enclosure comprising two or more openings that converge to form at least one tortuous path, wherein the tortuous path culminates in at least one inlet for allowing sound to impinge upon a microphone. A tortuous path leading to an inlet, in the context of the present application, is indicative of a path that "...has a change of direction..." for preventing objects from entering the inlet far enough to pierce the microphone gasket or microphone. (see paragraph [0015] of the specification). Indeed, the Examiner acknowledges this definition at page 3, lines 3-4 of the December 05, 2006 Office Action.

AAPA, to the contrary, discloses a *single* opening 108, through which sound enters a *single* tortuous path to reach a *single* inlet to microphone element 112. As acknowledged by the Office Action, AAPA fails to disclose an inlet having a plurality of openings. Nonetheless, the Office

Action looks to Thomas for providing this feature. The alleged motivation for combining AAPA with Thomas is to provide multiple openings to the inlet so that sound is better directed to the microphone. For the reasons set forth below, the Applicant respectfully submits that one skilled in the art would not have been motivated to modify AAPA by Thomas, as to do so would eliminate the protective feature of AAPA. Furthermore, even if, *arguendo*, one in the art would be so motivated, the AAPA-Thomas combination would not yield the microphone enclosure recited in the claims of the present application.

Turning now to Thomas, Thomas is directed to a free standing transmitting microphone holder assembly 10 for use in connection with conference tables. (see Fig. 1, and col. 2, lines 4-9 of Thomas). In relevant part, the microphone assembly 10 of Thomas includes a cylindrical housing 14 having an upper portion 22 that is molded or machined to form a concave, conical entry 23. (see Fig. 3, and col. 2, lines 25-29 of Thomas). The apex of this concave, conical entry 23 forms an opening 24 for supporting a microphone 42. Positioned over the entry 23 is an electrically conductive top member 31, formed to have a convex conical underside 33 to complement the conical entry 23. (see Fig. 3, and col. 2, lines 30-33 of Thomas). A plurality of conductive members 34 are used to secure the top member 31 above to the housing 14. As shown in Fig. 2 of Thomas, the underside of the top member 31 and the entry 23 combine to form a single, omni-directional acoustic pathway to the microphone 42. Indeed, this single pathway enables sounds from around a conference table to be channeled "...avoiding any restrictions..." through to the microphone 42. (see col. 3, lines 20-26 and lines 40-43 of Thomas). Thus, since Thomas fails to disclose multiple openings, the Applicant submits that the claims of the present application are fully patentable over a Thomas-AAPA combination.

Even if, *arguendo*, Thomas were interpreted as having multiple openings, these openings do not converge to form a *tortuous path*. As such, one skilled in the art would not be motivated to combine Thomas with AAPA, as to do so would render AAPA inoperable. As noted above, the cited motivation for combining AAPA and Thomas is to provide AAPA with multiple openings so that sound is better directed to the microphone. The Applicant acknowledges that having multiple openings in a casing is desirable, particularly for improving the sound that reaches the microphone. Indeed, improved sound is one of the reasons the Applicant recites multiple openings in the claims.

Having multiple openings, however, as explained by AAPA, may leave the microphone element vulnerable to "...an object such as a wire that could enter the hole and pierce the microphone gasket and/or microphone element itself." (see paragraph [0004] of AAPA). To remedy this deficiency, AAPA developed casings having a single opening forming a single tortuous path to the microphone element. (see Figs. 1(a)-1(b) of AAPA). In this manner, sound could still reach the microphone, but objects would be prevented from entering the inlet far enough to reach the microphone. That is not to say that AAPA refrained from desiring multiple openings for improved sound. Prior to the Applicant's invention, however, achieving a microphone casing having both multiple openings for improved sound and a protective tortuous path was not known. Indeed, as evidenced by both AAPA and Thomas, prior art casings were either designed to provide protection for the microphone (as in AAPA), or to improved sound quality via multiple openings, as in Thomas.

Referring again to Thomas, it is clear that Thomas is directed to improved sound quality, to the exclusion of protecting the microphone. As explained by Thomas, the "...free standing transmitting microphone assembly of the present invention provides both an *attractive* accommodation for transmitting microphones and an *efficient collection means for sounds* generated

at a conference table.” (emphasis added). (see col. 3, lines 36-40 of Thomas). Indeed, the smooth, concave entry to the microphone 42 provides an improved pathway that enables sound to reach the microphone 42 with no restrictions. (see Fig. 2, and col. 3, lines 40-43 of Thomas). One in the art would appreciate, however, that this pathway is far from tortuous, insofar as it has no change of direction that can prevent an object from entering far enough to pierce the microphone. In fact, the pathway disclosed by Thomas would facilitate an object’s entry and guide such object into the microphone chamber 24. Therefore, if Thomas were combined with AAPA, the casing of AAPA would have no tortuous path, but rather a non-tortuous concave entry through which objects could easily reach and damage the microphone element. Such a combination would render inoperable, as the protective feature of AAPA would be removed in favor of the sound improving entry of Thomas.

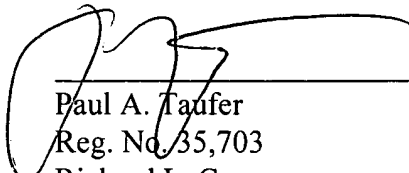
Therefore, since Thomas fails to disclose multiple openings forming a tortuous path, the Applicant submits that the claims of the present application are fully patentable over a Thomas-AAPA combination.

Conclusion

In view of the foregoing, the Applicants submit that Thomas neither discloses multiple openings nor a tortuous path, as recited in the claims of the present application. As such, an AAPA-Thomas combination fails to recite each and every claim element recited in the claims. Accordingly,

the applicants submit that the claims are fully patentable over the theoretical combination of AAPA and Thomas, and earnestly request a notice reflecting the same.

Respectfully submitted,



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